

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

NANCY BRICKER

Plaintiff,

v.

Case Number 06-10044-BC  
Honorable Thomas L. Ludington

AUSABLE VALLEY COMMUNITY  
MENTAL HEALTH SERVICES, HOLLIE  
MCDONALD, LEE D. MERTZ, and  
FLOYD R. SMITH

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION, GRANTING DEFENDANT'S  
MOTION TO DISMISS, AND DISMISSING CASE**

This matter is before for the Court on a report issued by Magistrate Judge Charles E. Binder on October 31, 2006, recommending that the defendants' motion to dismiss be granted because the plaintiff could not demonstrate a property right in continued employment under the Fourteenth Amendment.

Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The plaintiff's failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the magistrate judge's report and recommendation is

**ADOPTED**, the defendants' motion to dismiss [dkt # 9] is **GRANTED**, and the case is **DISMISSED WITH PREJUDICE**.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: November 20, 2006

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 20, 2006.

s/Tracy A. Jacobs  
TRACY A. JACOBS